

Amendment No. 2 to HB2361

Littleton
Signature of Sponsor

AMEND Senate Bill No. 2254*

House Bill No. 2361

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-504, is amended by adding the following as a new, appropriately designated subsection:

(p)

(1) Where a defendant has plead guilty to, or has been convicted of, and has been sentenced for a sexual offense or violent sexual offense specified in § 40-39-202, the following information regarding the victim of the offense shall be treated as confidential and shall not be open for inspection by members of the public:

- (A) Name, unless waived pursuant to subdivision (p)(2);
- (B) Home, work and electronic mail addresses;
- (C) Telephone numbers;
- (D) Social security number; and
- (E) Any photographic or video depiction of the victim.

(2)

(A) At any time after the defendant or defendants in a case have been sentenced for an offense specified in subdivision (p)(1), the victim of such offense whose name is made confidential pursuant to subdivision (p)(1)(A) may waive such provision and allow the victim's name to be obtained in the same manner as other public records.

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(B) The district attorney general prosecuting the case, acting through an assistant district attorney general or victim-witness coordinator, shall explain to the victim of an offense specified in subdivision (p)(1) that:

(i) The victim's name will, by law, be confidential and not open for public inspection if the defendant is convicted of any such offense; and

(ii) The victim may, at any time after the defendant is sentenced, waive the right to have the victim's name remain confidential by signing a written waiver in the presence of a member of the district attorney general's office.

(C) If the victim executes a written waiver pursuant to subdivision (p)(2)(B)(ii), the district attorney's office shall file the signed waiver in the victim's case file and send a copy to the involved police agency and clerk of court.

(3) Nothing in this subsection (p) shall prevent the district attorney general or attorney general and reporter and counsel for a defendant from providing to each other in a pending criminal case or appeal, where the constitutional rights of the defendant require it, information which otherwise may be held confidential under this subsection (p).

(4) Nothing in this subsection (p) shall be used to limit or deny access to otherwise public information because a file, document, or data file contains some information made confidential by subdivision (p)(1); provided, confidential information shall be redacted before any access is granted to a member of the public.

(5) Nothing in this subsection (p) shall be construed to limit access to records by law enforcement agencies, courts, or other governmental agencies performing official functions.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.